

HOUSE BILL No. 1293

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-3.5-11; IC 36-8-9-4.

Synopsis: Police chief contracts and emergency dispatch. Allows a town with a merit commission or a board of metropolitan police commissioners to enter into a contract with an individual for the position of police chief. Provides that the term of the contract may not extend after the earlier of the following dates: (1) Four years after the date the contract is executed. (2) December 31 of a year after a municipal or general election at which any town legislative body member is elected. Provides that an individual acting as an emergency medical dispatcher does not have to be certified by the emergency medical services commission as an emergency medical dispatcher until July 1, 2006, instead of July 1, 2005. Provides that an emergency medical dispatch agency does not have to be certified by the emergency medical services commission as an emergency medical dispatch agency until July 1, 2006, instead of July 1, 2005.

Effective: Upon passage; July 1, 2005.

Whetstone, Lawson L

January 11, 2005, read first time and referred to Committee on Public Safety and Homeland Security.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1293

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-8-3.5-11 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) The commission
3 may appoint and remove members of the department, except for a
4 member in an upper level policymaking position.

5 **(b) This subsection does not apply if a town enters into a**
6 **contract under subsection (c) of this chapter.** The executive of the
7 unit shall appoint and may remove a member in an upper level
8 policymaking position.

9 **(c) This subsection applies only to a town. A town legislative**
10 **body, with the approval of the town executive, may enter into an**
11 **employment contract with an individual for the position of police**
12 **chief. The term of a contract entered into under this subsection**
13 **may not extend after the earlier of the following dates:**

14 **(1) Four (4) years after the date the contract is executed.**

15 **(2) December 31 of the year after a municipal or general**
16 **election at which any town legislative body member is elected.**

17 **An individual who enters into a employment contract with the**

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town legislative body under this subsection may not take part in any political campaign in the town during the term of the contract.

~~(b)~~ **(d)** The chief of a fire department shall be selected from the members of the department, and he must have at least five (5) years service in the department before his appointment. These requirements may be waived by a majority vote of the unit's legislative body upon request of the unit's executive. However, the chief must still have at least five (5) years service in a full-time, paid fire department or agency.

~~(c)~~ **(e)** To be appointed chief or deputy chief of a police department, an applicant must meet the qualifications in IC 36-8-4-6.5.

~~(d)~~ **(f)** The removal of a member from an upper level policymaking position is removal from rank only and not from the department. When the member is removed, he shall be appointed by the commission to the rank in the department that he held at the time of his upper level appointment or to any rank to which he had been promoted during his tenure in the upper level position. If such a rank is not open in either case, the member is entitled to the pay of that rank and shall be promoted to that rank as soon as an opening is available.

SECTION 2. IC 36-8-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board may appoint, subject to the qualifications for employment determined by the board and approved by the town legislative body, as many persons as necessary to serve in the police department of the town. One (1) person shall be appointed to serve as the police chief. The board may also appoint other employees that are necessary to carry on the work of the police department.

(b) If the board recommends that an individual serve as police chief of the town, the town legislative body may enter into an employment contract with the individual for the position of police chief of the town. The term of a contract entered into under this subsection may not extend after the earlier of the following dates:

(1) Four (4) years after the date the contract is executed.

(2) December 31 of the year after a municipal or general election at which any town legislative body member is elected.

An individual who enters into a employment contract with the town legislative body under this subsection may not take part in any political campaign in the town during the term of the contract.

~~(b)~~ **(c)** The board may recommend and the town legislative body shall determine the compensation to be paid to members of the police department in amounts that are just and reasonable.

~~(c)~~ **(d)** All persons appointed must be of good moral character and

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1 serve only during good behavior. The board constitutes the safety board
 2 of the town for purposes of the suspension, demotion, or dismissal of
 3 any member of the police department. Proceedings for the suspension,
 4 demotion, or dismissal of any member of the police department shall
 5 be conducted in the manner prescribed by IC 36-8-3-4. The disciplinary
 6 provisions of IC 36-8-3-4.1 also apply to the safety board and the
 7 police chief.

8 ~~(d)~~ (e) The board may make general and special rules for the
 9 government and discipline of the police department and may make
 10 special and general orders to the department through the police chief,
 11 who is the executive head of the department.

12 ~~(e)~~ (f) Members of the police department must:

- 13 (1) reside within the county in which the town is located;
- 14 (2) reside within fifteen (15) miles of the corporate boundaries of
- 15 the town;
- 16 (3) have adequate means of transportation into the town; and
- 17 (4) maintain in their residence telephone service with the town.

18 SECTION 3. P.L.205-2003, SECTION 45, IS AMENDED TO
 19 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
 20 45. (a) Notwithstanding IC 16-31-3.5-3(a), as added by this act, the
 21 prohibition against an individual acting as an emergency medical
 22 dispatcher unless the individual is certified by the Indiana emergency
 23 medical services commission as an emergency medical dispatcher does
 24 not apply to an individual before July 1, ~~2005~~: **2006**.

25 (b) Notwithstanding IC 16-31-3.5-3(b), as added by this act, the
 26 prohibition against a person acting as an emergency medical dispatch
 27 agency unless the person is certified by the Indiana emergency medical
 28 services commission as an emergency medical dispatch agency does
 29 not apply to a person before July 1, ~~2005~~: **2006**.

30 (c) This SECTION expires July 2, ~~2005~~: **2006**.

31 SECTION 4. **An emergency is declared for this act.**

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